

REMARKS

The claims have been amended to call for only reducing the time difference between the files if the time difference is less than a predetermined time difference in the case of claim 1 or a threshold time difference in the case of the other independent claims.

This enables a determination of whether piggybacking is appropriate. Piggybacking is explained in the Carter reference on page 113 at §2.4. However Carter points out that it may take a long time for two programs to merge. Thus Carter teaches away from the claimed solution. In effect Carter points out that piggybacking simply does not work when the time difference is too high, unless a very powerful server is utilized. However, piggybacking can still be useful, despite Carter's concerns, by determining whether the time difference is reasonable enough to go ahead and attempt to sync up the two programs. Thus, the present invention allows piggybacking to be utilized in those cases where it is sufficiently efficient because the time difference is below some threshold or predetermined amount.

The Office Action suggests that determining a time difference may be contained in Kermode. However Kermode does not involve a system in which two transmissions are synced up. Moreover Kermode never determines the time difference between the two transmissions. The cited material at col. 6, lines 14-36 talks about receivers that download segments synchronously or asynchronously. In either case, the transmitter apparently transmits the same segments over and over and over. The receiver then may download either synchronously or asynchronously. A video partition or segment of duration t is repeated endlessly in a looping fashion over two channels P_F and P_A . Data is downloaded synchronously over channel P_F meaning that the download commences only at time zero - i.e., at the beginning of the segment - and continues until the entire segment has been contiguously downloaded at time t . Data is loaded asynchronously over the channel P_A , however, so that download is at an arbitrary time t' and continues until time t' is reached during the next interactive transmission of the segment. A receiver is programmed to store the initially downloaded fragment $t' - t$ at the end of the buffer slot reserved for the segment, and to store the subsequently downloaded fragment $0 - t'$ at the beginning of the buffer slot so to form a temporary contiguous segment.

Thus it is evident that contiguous segments are achieved and that there is no determination of the time difference between the segments. Referring to a time difference between the segments really makes no sense in the context of the Kermode reference.

Therefore the application as amended is now in condition for allowance and the Examiner's prompt in accordance herewith is respectfully requested.

The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504 (ITL.0601US).

Respectfully submitted,

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